



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

September 16, 2010

MITIGATED NEGATIVE DECLARATION

Project Name: **EMERALD HILL MINOR SUBDIVISION**

Project Number(s): **3200 21057 (TPM); LOG NO. 07-02-005**

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biological Resources, Cultural Resources, Stormwater Management, Hydrology, Fire Protection, and Noise
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that

there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

- 1) The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. BIOLOGICAL RESOURCES

- 1) **OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent:** In order to mitigate for the impacts to coastal sage scrub, which is a sensitive biological resource pursuant to CEQA, off-site mitigation shall be acquired. **Description of Requirement:** The applicant shall purchase habitat credit, or provide for the conservation of 1.48 acres of coastal sage scrub located in the northern valley eco region.
 - a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available

at the bank, the amount required by this project and the amount remaining after utilization by this project.

- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
 4. The final RMP can not be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land. Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will

be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

- 2) **OFF-SITE MITIGATION: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE X2] [DPR, GPM] Intent:** In order to mitigate for the impacts to non native grassland which is a sensitive biological resource pursuant to CEQA, off-site mitigation shall be acquired. **Description of Requirement:** The applicant shall purchase habitat credit, or provide for the conservation of 0.70 acres of non native grassland located in the northern valley eco region.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Game. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.

3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation of habitat of the same amount and type of land located in San Diego County as indicated below:
1. The type of habitat and the location of the proposed mitigation, should be pre-approved by [DPLU, PCC] before purchase or entering into any agreement for purchase.
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of DPLU. If the offsite mitigation is proposed to be owned and/or managed by DPR, the RMP shall also be approved by the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of DPLU. The land shall be protected in perpetuity.
 4. The final RMP can not be approved until the following has been completed to the satisfaction of the Director of DPLU: The land shall be purchased, the easements shall be dedicated, a Resource Manager shall be selected, and the RMP funding mechanism shall be in place.
 5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage

the mitigation land Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

Documentation: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [DPLU, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [DPLU PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [DPLU, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [DPLU, ZONING]. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the mitigation shall be completed. **Monitoring:** The [DPLU, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [DPLU, PCC] can preapprove the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [DPLU, ZONING] shall accept an application for an RMP, and [DPLU, PPD] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

- 3) **WETLAND PERMITS: [DPLU, PCC] [GP, CP, MA] [DPLU, FEE X2]** **Intent:** In order to comply with the State and Federal Regulations for wetlands, the following agency permits, or verification that they are not required shall be obtained. **Description of Requirement:** The following permit and agreement shall be obtained, or provide evidence from the respective resource agency satisfactory to the Director of Planning and Land Use that such an agreement or permit is not required:
- a. A Clean Water Act, Section 401/404 permit issued by the California Regional Water Quality Control Board and the U.S. Army Corps of Engineers for all project related disturbances of waters of the U.S. and/or associated wetlands.

- b. A Section 1602 Streambed Alteration Agreement issued by the California Department of Fish and Game for all project related disturbances of any streambed.

Documentation: The applicant shall consult each agency to determine if a permit or agreement is required. Upon completion of the agency review of this project, the applicant shall provide a copy of the permit(s)/agreement(s), or evidence from each agency that such an agreement or permit is not required to the [DPLU, PCC] for compliance. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the permits shall be obtained. **Monitoring:** The [DPLU, PCC] shall review the permits/agreement for compliance with this condition. Copies of these permits should be transmitted to the [DPW, ESU], for implementation on the grading plans.

- 4) **“RESOURCE AVOIDANCE: [DPLU, PCC] [DPW, PDCI] DPLU, FEE X2].**

Intent: In order to avoid impacts to nesting birds, which is a sensitive biological resource pursuant to CEQA, a Resource Avoidance Area (RAA) shall be implemented on all plans.

Description of Requirement: There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of coastal sage scrub or other shrubs and trees that can be used as habitat during the breeding season of the California Gnatcatcher and raptors. The breeding season is defined as occurring between January 15 and August 31. The Director of Planning and Land Use [DPLU, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, provided that no raptors or California Gnatcatcher are present in the vicinity of the brushing, clearing or grading. **Documentation:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of this condition. No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **Timing:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **Monitoring:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the

[DPLU, PCC] is received. The [DPLU, PCC] shall review the concurrence letter.

C. CULTURAL RESOURCES

- 1) **ARCHAEOLOGICAL GRADING MONITORING: [DPLU, PCC] [DPW, ESU] [MA, GP, IP] [DPLU, FEE X 2]** **Intent:** In order to mitigate for potential impacts to undiscovered buried archaeological resources on the project site, a grading monitoring program and potential data recovery program shall be implemented pursuant to the [County of San Diego Guidelines for Determining Significance for Cultural Resources](#) and [CEQA Section 15064.5 and 15064.7](#). **Description of Requirement:** A County approved Principal Investigator (PI) known as the "Project Archaeologist," shall be contracted to perform cultural resource grading monitoring and a potential data recovery program during all grading, clearing, grubbing, trenching, and construction activities. The following shall be completed:
 - a. The Project Archaeologist shall perform the monitoring duties before, during and after construction pursuant to the most current version of the [County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources](#), and this permit. The contract provided to the County shall include an agreement that the grading monitoring will be completed, and a [Memorandum of Understanding \(MOU\)](#) between the Project Archaeologist and the County of San Diego shall be executed. The contract shall include a cost estimate for the monitoring work and reporting.
 - b. The Project Archeologist shall provide evidence that a Qualified Native American of the appropriate tribal affiliation has also been contracted to perform Native American Grading Monitoring for the project.
 - c. The cost of the monitoring shall be added to the grading bonds that will be posted with the Department of Public Works, or bond separately with the Department of Planning and Land Use.

Documentation: The applicant shall provide a copy of the Grading Monitoring Contract, cost estimate, and [MOU](#) to the [DPLU, PCC].

Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **Timing:** Prior to the approval of the map for Emerald Hills TPM 21057 and prior to the approval of any plan and issuance of any permit, the contract shall be provided. **Monitoring:** The [DPLU, PCC] shall review the contract, [MOU](#) and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [DPW, LDR], for inclusion in the grading bond cost estimate, and grading bonds. The [DPW, PC] shall add the cost of the monitoring to the grading bond costs, and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

- 2) **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to Emerald Hills TPM 21057, a Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The County approved 'Project Archaeologist,' Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC), shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the grading monitoring program. The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archeological and Historic Resources. **Documentation:** The applicant shall have the contracted Project Archeologist and Native American attend the preconstruction meeting to explain the monitoring requirements. **Timing:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **Monitoring:** The [DPW, PDCI] shall invite the [DPLU, PCC] to the preconstruction conference to coordinate the Cultural Resource Monitoring requirements of this condition. The [DPLU, PCC] shall attend the preconstruction conference and confirm the attendance of the approved Project Archeologist.
- 3) **ARCHAEOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to Emerald Hills TPM 21057, and the [County of San Diego Guidelines for Determining](#)

Significance and Report Format and Content Requirements for Archeological and Historic Resources , Cultural Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements. The grading monitoring program shall comply with the following requirements during grading:

- a. “During the original cutting of previously undisturbed deposits, the Project Archaeologist and Native American Monitor shall be onsite as determined necessary by the Project Archaeologist. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Project Archaeologist in consultation with the Native American Monitor. Monitoring of cutting of previously disturbed deposits will be determined by the Project Archaeologist.”
- b. “In the event that previously unidentified potentially significant cultural resources are discovered, the Project Archaeologist, in consultation with the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. At the time of discovery, the Project Archaeologist shall contact the DPLU Staff Archaeologist. The Project Archaeologist, in consultation with the DPLU Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the DPLU Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.”
- c. “If any human bones are discovered, the Project Archaeologist shall contact the County Coroner and the DPLU Staff Archaeologist. If the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission,

shall be contacted by the Project Archaeologist in order to determine proper treatment and disposition of the remains.”

Documentation: The applicant shall implement the grading monitoring program pursuant to this condition. **Timing:** The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the Project Archeologist is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the Project Archeologist or applicant fails to comply with this condition.

- 4) **ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to Emerald Hills TPM 21057, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare one of the following reports upon completion of the grading activities that require monitoring:

- a. If **no archaeological resources** are encountered during grading, then submit a final Negative Monitoring Report substantiating that grading activities are completed and no cultural resources were encountered. Monitoring logs showing the date and time that the monitor was on site must be included in the Negative Monitoring Report.
- b. If archaeological **resources were encountered** during grading, the Project Archaeologist shall provide a Monitoring Report stating that the field grading monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the curation phase of the monitoring.

Documentation: The applicant shall submit the Monitoring report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the report

or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

- 5) **ARCHAEOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE]. Intent:** In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to Emerald Hills TPM 21057, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Archaeological Resources](#), a Grading Monitoring Program shall be implemented. **Description of Requirement:** The Project Archaeologist shall prepare a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program if cultural resources were encountered during grading. The report shall include the following:
- a. Department of Parks and Recreation Primary and Archaeological Site forms.
 - b. Daily Monitoring Logs
 - c. Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation facility that meets federal standards per 36 CFR Part 79, and, therefore, would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.
 - d. If no cultural resources are discovered, a brief letter to that effect must be submitted stating that the grading monitoring activities have been completed. Daily Monitoring Logs must be submitted with the negative monitoring report.

Documentation: The applicant shall submit the report to the [DPLU, PCC] for review and approval. **Timing:** Prior to the occupancy of any structure or use of the premises in reliance of TPM 21057, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)), for TPM 21057, the final report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final

report for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

D. NOISE

- 1) **NOISE PROTECTION EASEMENT: [DPLU, BPPR] [DPLU, PCC] [MA] [DPLU, FEE X 1]** **Intent:** In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Policy 4.b\)](#), and the [County of San Diego CEQA Noise Guidelines for Determining Significance](#), a noise protection easement shall be placed on the parcel to reduce the noise exposure of land uses for sensitive receptors below levels of significance. **Description of requirement:** A Noise Restriction Easement as indicated on the approved TPM 21057, shall be granted on the map and placed over the first 425 feet from the centerline of Mission Road on the Remainder Parcel. The said easement shall include and shall comply with the following:
 - a. Prior to the approval of any Building Plan and issuance of any Building Permit, a County Approved Acoustical Consultant, shall perform an acoustical analysis, which demonstrates that the proposed **residential dwelling** unit(s) will not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dB for interior noise, and a (CNEL) of 60dB for exterior noise levels. Exterior noise sensitive land uses include all Group or Private Usable Open Space as defined by [the General Plan Noise Element \(Policy 4.b\)](#).
 1. Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow for a Expressway road for Mission Road, which is its designated General Plan Circulation Element buildout roadway classification.
 - b. The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures and project site can comply with the noise standards referenced above.

- c. The unauthorized removal of documented noise control measures at a future date after the initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before any future building permits can be approved and issued.
- d. Prior to the approval of any Building Plan and issuance of any Building Permit, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [DPLU, BD] for review and approval before the building permits can be issued. To the satisfaction of the [DPLU, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures.

Documentation: The applicant shall indicate the noise restriction easement on the map as indicated on the tentative map. **Timing:** Prior to the approval of the map, the requirements of this condition shall be completed. **Monitoring:** The [DPW, LDR] shall verify that the easement is indicated on the map, and that the map details the language above.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

APPROVAL OF MAP: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (Where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified):

1. **COST RECOVERY:** [DPLU, DPW, DEH, DPR], [MA, GP, IP]

Intent: In order to comply with [Section 362 of Article XX of the San Diego County Administrative Code](#), Schedule B.5 existing deficit accounts associated with processing this permit shall be paid. **Description of requirement:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **Documentation:** The applicant shall provide a receipt to the Department of Planning and Land Use, Zoning Counter, which shows that all discretionary deposit accounts have been paid. No permit can be issued if there are deficit deposit accounts. **Timing:** Prior to the approval of any map and prior to the approval of any plan and issuance of any permit, all fees and discretionary deposit accounts shall be paid. **Monitoring:** The DPLU Zoning Counter shall review the receipts and verify that all DPLU, DPW, DEH, and DPR deposit accounts have been paid.

2. **GRADING PLAN CONFORMANCE: [DPW, ESU] [DPR, TC PP] [GP, IP, MA]** **Intent:** In order to implement the required mitigation measures for the project (specifically for the impacts associated with the proposed secondary access road), the required grading plan and improvement plans shall conform to the approved Conceptual Grading and Development Plan. **Description of requirement:** The grading and or improvement plans shall conform to the approved Conceptual Grading Plan, which includes all of the following mitigation measures: Resource Avoidance and Archaeological Monitoring. **Documentation:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **Timing:** Prior to the approval of the map and prior to the approval of any plan and issuance of any permit, the notes and items shall be placed on the plans as required. **Monitoring:** The [DPW, ESU, or DPLU, BD for DPLU Minor Grading, [DPR, TC for trails and PP for park improvements] shall verify that the grading and or improvement plan requirements have been implemented on the final grading and or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

3. **PUBLIC ROAD CONNECTION: [DPW, LDR] [MA].** **Intent:** In order to ensure that the subdivision is connected to a publicly maintained road and to comply with the [County Subdivision Ordinance Section 81.702\(a\)](#), recorded documentation shall be provided. **Description of requirement:** Recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes shall be provided. The easement shall be forty feet (40') wide as specified in County Subdivision Ordinance Section [81.702\(a\)](#). Recordation data for said easement shall be shown on the Parcel Map.

This requirement applies to off-site access to all proposed parcels. **Documentation:** The applicant shall submit to the [DPW, LDR], proof that the subdivision is connected to a publicly maintained road, and indicate the access on the parcel map. **Timing:** Prior to the approval of the parcel map, the connection shall be verified. **Monitoring:** The [DPW, LDR] shall verify that the evidence provided meets the requirement of this condition.

4. SIGHT DISTANCE: [DPW, LDR] [MA]

Intent: In order to comply with the Design Standards of Section 6.1.(F) of the [County of San Diego Public Road Standards](#), an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:** There shall physically be minimum unobstructed sight distance based upon prevailing traffic speeds in both directions along North River Road from Emerald Hill Road.

- a. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

Documentation: The applicant shall have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there is minimum unobstructed sight distance as detailed above, and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the parcel map the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

5. REMAND RELINQUISHED ACCESS: [DPW, LDR] [MA].

Intent: In order to ensure that only the subdivision's accesses comply with the County Subdivision Ordinance Section 81.1109, the previously relinquished access shall be remanded. **Description of Requirement:** If required process a remandment with the County of San Diego or obtain an Encroachment Permit with CalTrans to allow access onto frontage road including cul-de-sac at the northeast corner of the project. **Documentation:** The applicant shall prepare the pages of the Parcel Map and present them for review to [DPW, LDR]. Upon plotting of the remand of access, the applicant shall provide copies of the documents to [DGS, RP] for review. **Timing:** Prior to the approval of the parcel map, if required this remandment shall be completed. **Monitoring:** Not applicable as remandments go to a specific remandment meeting for evaluation.

6. FIRE SECONDARY EASEMENT: [DPW, LDR] [FIRE] [MA].

Intent: In order to ensure that the proposed subdivision provides adequate circulation and fire protection for residents of the subdivision and complies with the County of San Diego Consolidated Fire Code Section 503.1.2 and California Code of Regulations (CCR) Title 14 for Dead-end roads provide secondary/ emergency fire access to the subdivision. **Description of Requirement:** The Parcel Map shall show a forty-foot (40') wide onsite private road easement for secondary access "Fire and Evacuation only", from existing cul-de-sac on Emerald Road to frontage road including cul-de-sac at the northeast corner of the project to the satisfaction of the North County Fire Protection District, the County of San Diego, Director of Public Works, and Caltrans. **Documentation:** The applicant shall show the easement on the parcel map. **Timing:** Prior to approval of the parcel map, the easement shall be established and indicated on the parcel map. **Monitoring:** The [DPW, LDR, FIRE, DPLU, CALTRANS] shall review the parcel map to ensure that the fire secondary access easement is indicated pursuant to this condition.

7. ROAD DEDICATIONS: [DPW, LDR] [FIRE] [MA].

Intent: In order to promote orderly development and to comply with the [County Subdivision Ordinance Section 81.702](#) the easements shall be provided. **Description of Requirement:**

- a. The Parcel Map shall show a minimum forty-foot (40') wide onsite private road easement from existing Emerald Hill Road cul-de-sac to the southwesterly corner of Parcel 3.
- b. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac located at the common parcel line of parcels 2 and 3, to the satisfaction of the North County Fire Protection District and the County of San Diego, Director of Public Works.

Documentation: The applicant shall show the easements on the parcel map. **Timing:** Prior to approval of the parcel map, the easements shall be indicated on the parcel map. **Monitoring:** The [DPW, LDR] shall review the parcel map to ensure that the road easements and fire turnout easement are indicated pursuant to this condition.

8. OFFER OF ROAD DEDICATION: [DPW, LDR] [MA]

Intent: In order to promote orderly development and to comply with the Subdivision Ordinance Sec. 81.703 through Section 81.705, the road shall

be dedicated. **Description of requirement:** An offer of dedication shall be made to the County for public road purposes as indicated below:

- a. Dedicate the right to construct and maintain slopes and drainage improvements as required beyond the right-of-way limit on both sides of the centerline for that portion within the land division for frontage road including cul-de-sac at the northeast corner of the project. The Parcel Map shall be prepared to show the offer being accepted.
- b. Any dedication, offer of dedication, or grant of right-of-way shall be free of any burdens or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per [Section 81.705 \(a\) of the County Code](#), at the time of recordation of the Parcel Map. All easements of any type must be plotted on the Parcel Map. Or, the affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works.

Documentation: The applicant shall prepare the map as indicated above and offer the dedication to the County. **Timing:** Prior to the approval of the parcel map, the offer of dedication shall be made to the County on the parcel map, and the note shall be placed on the map. **Monitoring:** The [DPW, LDR] [DPR, TC, PP] shall review the map for compliance with this condition. The [DPW, LDR] shall accepted the offer of dedication.

9. PRIVATE ROAD MAINTENANCE AGREEMENT: [DPW, LDR] [MA].

Intent: In order to ensure that the private roads approved with this subdivision are maintained, the applicant shall assume responsibility of the onsite and offsite private roads. **Description of Requirement:** A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
- b. The Director of Public Works shall be notified as to the final disposition of title (ownership) to Emerald Hill Road and onsite private road and place a note on the Final Map as to the final title status of said roads.

Documentation: The applicant shall a sign the private road maintenance agreement to the satisfaction of the Director of DPW and indicate the ownership on the map as indicated above. **Timing:** Prior to the approval

of the map for the agreement shall be executed and the ownership shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall review the executed agreement and the map for compliance with this condition.

10. STREET NAME: [DPW, LDR] [MA].

Intent: In order to provide a name for the onsite private road easement, naming of the road is necessary for the health and safety of present and future residents. **Description of Requirement:** The private easement road serving this project shall be named. **Documentation:** The applicant shall contact the Street Address Section of the Department of Planning and Land Use (858-694-3797) to discuss the road naming requirements for the development. The applicant shall pay all applicable processing fees for the naming of the street. **Timing:** Prior to approval and preparation of the Parcel Map, the street shall be named. **Monitoring:** The [DPLU, BD] shall provide a name to the applicant. Upon issuance of the street name, the street section shall provide [DPW, LDR] the street name information. The [DPW, LDR] Map Processing, shall ensure that the appropriate street name has been added to the parcel map.

11. UTILITY CONCURRENCE LETTERS: [DPW, LDR] [GP, IP,MA]

Intent: In order to provide adequate notice to the serving utility companies that the improvements of private road easement are going to possibly affect their utilities, letters of concurrence shall be provided. **Description of requirement:** Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, letters shall be obtained from each serving utility company. The letters shall state that the arrangements are satisfactory to the utility for which the parcels being created serve. No letter will be required from the following: AT&T/SBC, Olivenhain Municipal Water District, Yucca Mutual Water Company, and the Rainbow Municipal Water District. **Documentation:** The applicant shall obtain the letters and submit them to the [DPW LDR] for review and approval. **Timing:** Prior to the approval improvement plans and the approval of the parcel map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

12. UTILITY CONCURRENCE LETTERS: [DPW, LDR] [GP, IP,MA]

Intent: In order to inform the local public entities and utility companies that the parcel map is going to be approved by the County and to comply with Section 66436 of the Government Code, letters of concurrence for signature of on the map shall be provided. **Description of requirement:** A certification from each public utility and each public entity owning easements within the proposed land division shall be provided to the

County. **Documentation:** The applicant shall obtain the letters, which state that: They have received a copy of the proposed Parcel Map, and that they object or do not object to the filing of the Map without their signature. The applicant shall submit the letters to the [DPW LDR] for review and approval. **Timing:** Prior to the approval improvement plans and the approval of the parcel map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

13. FIRE SECONDARY ACCESS IMPROVEMENTS: [DPW, LDR] [MA]

Intent: In order to promote orderly development necessary for public health and safety of the area, and to comply with the County Fire Code Section 902.2.1 and 902.2.2.3 and North County Fire Protection District, the required private improvements shall be completed. **Description of Requirement:** Improve or agree to improve and provide security for the road improvements for secondary access "Fire and Evacuation only" as indicated below:

- a. The secondary access easement road from the end of existing Emerald Hill cul-de-sac thence northerly to frontage road including cul-de-sac at the northeast corner of the project shall be graded twenty feet (20') wide and improved twenty feet (20') wide with asphalt concrete pavement over approved base to the satisfaction of the North County Fire Protection District, the County of San Diego, Director of Public Works. [FIRE]

All plans and improvements shall be completed pursuant to the [County of San Diego Private Road Standards](#), the DPW [Land Development Improvement Plan Checking Manual](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities.

Documentation: The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve the secondary access easement road. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI] to the satisfaction of the Director of DPW. If the improvements are deferred, then the fees can be paid upon time of construction permit issuance.
- b. The improvements shall be completed and a secured agreement shall be executed pursuant to [Subdivision Ordinance Sec. 81.706.1 through 81.707](#) for the required improvements, or execute a secured agreement to complete the improvements within twenty-four (24) months from the recording of the parcel map.

- c. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the North County Fire Protection District, Caltrans and the [DPW, LDR].

Timing: Prior to the approval of the parcel map, the improvements shall be completed or deferred as indicated above. Processing the securities can take up to 2 months, so the applicant should initiate the process at least two months before the anticipated map approval date. **Monitoring:** The [DPW, LDR] [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

14. PAVEMENT CUT POLICY: [DPW, LDR] [GP, IP, MA]

Intent: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **Description of requirement:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **Documentation:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **Timing:** Prior to the approval improvement plans and the approval of the parcel map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

15. RESOURCE PROTECTION ORDINANCE STEEP SLOPE EASEMENT: [DPLU, PCC] [DGS, RP] [BP, GP, CP, UO] [DPLU, FEE X 2].

Intent: In order to protect steep slope lands as defined in the [Resource Protection Ordinance \(RPO\)](#) Section 86.602.(p) a Steep Slope Open Space Easement shall be granted. **Description of Requirement:** Grant to the County of San Diego a RPO Steep Slope Open Space Easement as shown on the approved TPM 21057. This easement is for the

protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. The sole exceptions to this prohibition are:

- a. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
- b. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.
- c. Activities required to be conducted pursuant to a revegetation, habitat management, or landscaping plan approved by the Director of Planning and Land Use.
- d. Construction, use, and maintenance of the septic system, on the Designated Remainder Parcel in the location shown on the preliminary grading plan for TPM 21057.
- e. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego, in a location and manner approved in writing by the Director of Planning and Land Use of the County of San Diego.
- f. Maintenance and construction of private and public drainage facilities to the extent approved or required by written order of the

Director of Public Works for the express purpose of reducing an identified flooding or drainage hazard. All maintenance of drainage facilities pursuant to this exception shall not be initiated until all applicable federal, state and local permits (e.g., California Section 1600 Streambed Alteration Agreement, County Watercourse Permit) have been obtained.

- g. Trails for passive recreation pursuant to a trails plan approved and adopted by the County of San Diego.
- h. Construction, use, and maintenance of a Circulation Element Road identified in the Circulation Element of the County General Plan or adopted community or subregional plan.
- i. Construction, use, and maintenance of a (public street, private road, or driveway).
- j. Uses, activities, and placement of structures expressly permitted by the Director of Planning and Land Use, whose permission may be given only after following the procedures and complying with all requirements applicable to an Administrative Permit pursuant to The Zoning Ordinance of the County of San Diego.

Documentation: The applicant shall prepare the draft plats and legal descriptions of the easement, then submit them for preparation and recordation with the [DGS, Real Property Division], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easement, the applicant shall provide copies of the recorded easement documents to [DPLU, PCC] for approval. **Timing:** Prior to issuance of grading or construction permits or approval of the Parcel Map, whichever comes first, the easement shall be recorded. **Monitoring:** The [DGS, RP] shall prepare and approve the easement documents and send them to [DPLU, PCC] for pre approval. The [DPLU, PCC] shall pre-approve the language and location of the easements before being released to the applicant for signature and subsequent recordation. Upon Recordation of the easement [DGS, Real Property Division] shall forward a copy of the recorded documents to [DPLU, PCC] for satisfaction of the condition.

PRIVATE IMPROVEMENTS: *(The following Private Improvements shall be completed before the approval of the Parcel Map, or a covenant of improvements shall be executed and recorded).*

16. COVENANT OF IMPROVEMENTS: [DPW, LDR] [MA]

Intent: In order to allow the deferment of the private improvements required by Subdivision Ordinance Sec. 81.707, a covenant of improvements shall be executed and recorded if the private improvements listed under conditions 17, 18, and 19 are not completed before approval of the tentative parcel map. **Description of requirement:** The applicant shall complete all of the private improvements or execute a Covenant of improvements pursuant to the County Subdivision Ordinance Section 81.708. An improvement plan and cost estimate shall be prepared for the private improvements and the estimated costs of the improvements shall be included in the Covenant. The Covenant shall be recorded and noted on the parcel map.

- a. Said Covenant shall be titled, "Covenant of Improvement Requirement, a Building Permit Prohibition." No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilizes within a the private easement may be issued.

Documentation: The applicant shall prepare the improvement plans, provide a cost estimate as indicated below:

- a. Improvement Plans with sufficient detail shall be prepared for the purposes of providing the required estimate of cost for the private improvements. The covenant shall note the estimate of cost to install and/or construct any deferred improvements. The estimate of costs shall be based upon the approved improvement plans.
- b. The plans shall include a signed statement by the private engineer-of-work which states, "The plans are sufficient for the purpose of providing the required estimate of the cost for the private easement roads, private facilities, and any other private improvements deemed necessary pursuant to the County Subdivision Ordinance Section 81.708."
- c. The estimate shall have the engineer's signature and stamp on the front page along with a statement that reads, "The estimate of the approximate costs as of the date the estimate was prepared for the private improvements required by the final notice of approval and the County of San Diego Private Road Standards."

The applicant shall prepare the map with the covenant. The Covenant shall be placed on the face of the parcel map, and recorded with the map.

Timing: Prior to the approval of the parcel map, the plans and the cost estimate shall be prepared and approved. **Monitoring:** The [DPW, LDR] shall verify that the cost estimate's validity, and that the plans can be approved, but shall stamped, "Not approved for construction," pursuant to this condition. The [DPW, LDR] Map Processing shall verify that the covenant is recorded on the map.

17. PRIVATE ROAD IMPROVEMENTS (COVENANT): [DPW, LDR] [MA]

Intent: In order to promote orderly development necessary for public health and safety of the area, and to comply with the Subdivision Ordinance Sec. 81.707 and 81.708, the required private improvements shall be completed or deferred. **Description of Requirement:** Complete the following private road improvements as indicated below:

- a. The [to be named] private easement road, from existing Emerald Hill cul-de-sac to Parcel 3 shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete pavement over approved base. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply.
- b. A cul-de-sac on Parcels 2 and 3 shall be graded to a radius of thirty-eight feet (38') and improved with asphalt to a radius of thirty-six feet (36') to the satisfaction of the north County Fire Protection District and the County of San Diego, Director of Public Works.
[FIRE]
- c. The private easement road, Emerald Hill from end of the existing cul-de-sac to North River Road shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete pavement over approved base. The existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty-four feet (24'). All distressed sections shall be replaced. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips shall apply.
- d. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to

provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

- e. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
- f. The County of San Diego, Department of Public Works, shall be notified before any private road construction. Copies of the blueline plans shall be submitted and an inspection deposit shall be posted.
- g. The structural section, both new and existing, for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, before construction activities commence pursuant to Section 3.2/3.11 of the San Diego County Standards for Private Roads.
- h. Emerald Hill Road and the [to-be named] private easement road, shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the North County Fire Protection District. [FIRE]

Documentation: The applicant shall complete the following:

- a. Process and obtain approval of the grading or Improvement Plans to improve Emerald Hill Road and the [to be named] private easement road, from North River Road to the driveways on Parcels 2 and 3, and provide the cost estimate. All plans and improvements shall be completed pursuant to the [County of San Diego Private Road Standards](#) and the DPW [Land Development Improvement Plan Checking Manual](#).
- b. The improvements shall be completed and a secured agreement shall be executed pursuant to Subdivision Ordinance Sec. 81.708 and 81.710, for the required improvements, or execute a covenant of improvements to defer the requirements until after the map is recorded.

Map Timing: Prior to approval and recordation of the parcel map, this requirement shall be completed or a recorded in the covenant of

improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to [County Subdivision Ordinance Section 81.713](#), except a grading or construction permit and or permit to install utilizes within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans and cost estimate [DPW, LDR] shall have this condition placed in the covenant of improvements and recorded with the map.

18. PAVEMENT CUT POLICY: (DEFERRED) [DPW, LDR] [GP, IP,MA]

Intent: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **Description of requirement:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **Documentation:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** Prior to the approval grading and improvement plans for the private road easement, Rancho Del Rio, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

19. IMPROVEMENT CERTIFICATION: (DEFERRED) [DPW, LDR] [MA].

Intent: In order ensure that the proposed work on the private road easement stays within the private road easement, and to comply with the Private road Standards and Subdivision Ordinance 81.702, a letter of certification shall be provided. **Description of Requirement:** Emerald Hill Road and the [to-be-named] private easement road, from North River Road to the driveways on Parcels 2 and 3 including cul-de-sac and all slopes, shall be constructed entirely within the easement, including drainage structures, for the benefit of the land division. If the slopes for the improvement fall outside of the easement, mitigating structures shall

be utilized so the improvement is within the easement or a letter of permission shall be obtained and an engineer or surveyor shall further certify that letter(s) of permission have been obtained for work outside of the easement limits. **Documentation:** The applicant shall have a Registered Civil Engineer or a Licensed Land Surveyor provide a signed statement, which certifies that the improvements were constructed entirely within the easement, including drainage structures, for the benefit of the land division pursuant to this condition. **Map Timing:** Prior to approval and recordation of the parcel map, this requirement shall be completed or recorded in the covenant of improvements. **Covenant Timing:** No Building permit or further grant of approval for the development can be issued until the applicant completes the required improvements and applies for and receives a release of improvements from the Director of Public Works pursuant to County Subdivision Ordinance Section 81.708, except a grading or construction permit and or permit to install utilities within a the private easement may be issued. **Monitoring:** The [DPW, LDR] shall verify that this requirement has been placed in the Covenant of improvements for the parcel map. Upon completion of the improvements, the [DPW, LDR] shall verify the accuracy of the certification letter pursuant to this condition.

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rosemary Rowan, Planning Manager
Project Planning Division

EG:RR:kj